

REMARKS

The Applicants have rewritten amended claims 1, 16, and 22-24 and also submitted new claims 25-30 as shown above. The amendments to the rewritten claims and the new claims are shown in attached Appendix A.

Applicants respectfully acknowledge the Notice of Allowance of claims 1-15 and 19-21. The Examiner has rejected independent claim 16 as anticipated by the Federspiel U.S. Patent No. 5,464,369. Independent claim 22 has been rejected as anticipated by the Ghitea, Jr. U.S. Patent No. 5,775,406. Claims 18, 23 and 24 were rejected as obvious in view of the combination of Federspiel and Ghitea, Jr. Claim 17 was objected to as being dependent upon a rejected base claim, but would be allowable according to the Examiner if rewritten in independent form including all of the limitations of its base claim.

On June 7 and June 20, 2001, the undersigned attorney conferred with the Examiner regarding proposed amended claims 1, 16 and 22 and proposed new claims 25-28. Allowed claim 1 was presented with a broadening amendment and the Examiner was understood to agree that this amended claim 1 contains allowable subject matter. Amended claim 1 is provided herein.

Amendments of claims 16 and 22 were proposed to clarify the method of detecting CO₂ wherein a trunk or enclosure is opened to allow sensing of a base line concentration of CO₂ in the ambient air. Thereafter the trunk or enclosure is closed in order to detect the level of CO₂ in the enclosed space. A sensed increase in the concentration of CO₂ within the enclosed space is indicated by an alarm condition. As was explained to the Examiner in the interviews, this method of detecting CO₂ is very efficient from the standpoint of utilization of power, because the CO₂ detection apparatus is operated for only the time that an enclosure or trunk is open and for a

time after it is closed. Power is therefore conserved. This method is not shown or suggested in the cited prior art references.

Dependent claims 23 and 24 are amended to comply with amended independent claim 22. These dependent claims are allowable for the reason that independent claim 22 is allowable.

New claims 25 and 26 are proposed to depend from allowable independent claim 1. The new dependent claims are allowable because claim 1 is allowable.

New independent claim 27 was added with reference to a living organism detected in a closed compartment of a vehicle. The claim requires that the compartment of the vehicle is automatically opened to ambient air in response to a predefined operational condition of the vehicle and the detection of the living organism. As discussed in the interviews, this method is not shown or suggested by the cited prior art.

New independent claim 28 calls for detecting the presence of a living organism in a closed trunk of a vehicle and automatically selecting and activating at least one of a plurality of alarms based upon the operational condition of the vehicle. This method causes alarms to be automatically selected based upon the manner in which the vehicle is operated after a living organism is detected in the trunk. This automatic method for selecting alarms in response to detection of a living organism in the trunk is not shown or suggested by the cited prior art.

New independent claim 29 is added to call for detecting a living organism in a closed trunk and then automatically opening the trunk. New independent claim 30 calls for determining an unsafe condition within the trunk of a vehicle by detecting at least one bodily function of a living organism in the trunk.

The Ghitea, Jr. reference discloses detecting CO₂ within the cab of a truck and generating various alarms in response to which an operator may take some manual action such as deactivating a recirculation ventilation mode. There is no suggestion to ventilate the cab automatically in response to detection of excess CO₂ or to detect the level of respiration or any other bodily function of a living organism in the trunk of a vehicle.

The Federspiel reference discloses controlling an air conditioning system within a building based upon environmental variables such as respired CO₂. However, there is no suggestion to detect respiration or any other bodily function of a living organism within the trunk of a vehicle or to open the trunk when the presence of the living organism is detected. It is also incorrect to combine the teachings of Federspiel and Ghitea, Jr. because these references deal separately with vehicles and building air conditioning systems. There is no objective teaching that one of ordinary skill would combine these disparate teachings. The combination is only suggested by hindsight knowledge of the claimed invention.

The Examiner has cited the Miller et al. U.S. Patent No. 6,130,614, not as prior art, but as the possible subject of an Interference. In the interviews it was agreed that the undersigned attorney and the Examiner will first attempt to reach agreement regarding allowable claims for this application based upon the cited prior art and will thereafter address any Interference issues. Applicants therefore request that the Examiner note the allowability of the amended and new claims and then contact the undersigned attorney to discuss Interference issues that may be raised by the cited Miller et al. patent.

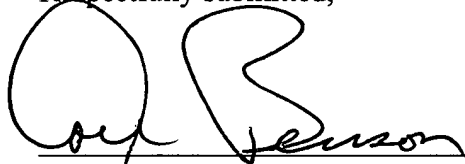
Applicants have not received a notice regarding acceptance of the drawings submitted with the application. Accordingly, Applicants assume that the drawings are deemed acceptable.

The Commissioner is authorized to charge any additional fee, including an extension fee,
that may be required to validate this Amendment and to credit any overpayment to Deposit
Account No. 23-1925.

Dated: _____

July 11, 2001

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel W. Benson", written over a horizontal line.

Joel W. Benson
Registration No. 29,002
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

APPENDIX A

1. (Amended) A method for monitoring the trunk of a vehicle, comprising the steps of:

- detecting the presence of a [predefined] living organism in the closed trunk of a vehicle;
- detecting the operational condition of the vehicle; and
- [providing an alarm when the presence of the predetermined living organism is detected; and]
- automatically opening the trunk of the vehicle in response to a predefined safe operational condition of the vehicle and the detection of the [predefined] living organism in the trunk.

16. (Amended) A method for determining the presence of a person in an enclosure, comprising the steps of:

- sensing a base line concentration of CO₂ in [an] the enclosure with at least one opening to ambient air;
- sensing an increase in the concentration of CO₂ above said base line concentration when the enclosure is closed to ambient air; and
- generating an alarm in response to detecting CO₂ above said base line concentration which is consistent with what would be produced by respiration of a person in the closed enclosure.

22. (Amended) A method for determining the presence of a person in a [closed passenger compartment] trunk of a vehicle, comprising the steps of:

sensing a base line concentration of CO₂ in the [closed passenger compartment] trunk with at least one opening to ambient air;

sensing an increase in concentration of CO₂ above said base line concentration when the trunk is closed to ambient air; and

generating an alarm in response to detecting CO₂ above said base line concentration which is consistent with what would be produced by respiration of a person in [a] the closed [compartment] trunk.

23. (Amended) The method of claim 22, further including the steps of ventilating the [compartment] trunk in response to said alarm.

24. (Amended) The method of claim 22, further including the step of ventilating the [compartment] trunk in response to said alarm and the detection of a predefined temperature in the closed [compartment] trunk.

--25. (New) The method of claim 1, including providing an alarm when the presence of the living organism is detected.--

--26. (New) The method of claim 1, including providing an alarm when the presence of the living organism is detected and selecting the type of alarm based upon the operational condition of the vehicle.--

--27. (New) A method for controlling a vehicle having a compartment that is opened and closed, comprising the steps of:

detecting the presence of a living organism in the closed compartment of the vehicle;

detecting the operational condition of the vehicle; and

automatically opening the compartment of the vehicle to ambient air in response to a predefined operational condition of the vehicle and the detection of the living organism in the compartment.--

--28. (New) A method for controlling a vehicle having a trunk that is opened and closed, comprising the steps of:

detecting the presence of a living organism in the closed trunk of the vehicle;

detecting the operational condition of the vehicle;

automatically selecting at least one of a plurality of alarms based upon the operational condition of the vehicle and the detected presence of the living organism in the trunk; and

activating the at least one selected alarm.--

--29. (New) A method for controlling a vehicle having a trunk that is selectively opened and closed, comprising the steps of:

detecting the presence of a living organism in the closed trunk of the vehicle;

and

automatically opening the trunk in response to at least detecting the living organism in the trunk.--

--30. (New) A method for detecting an unsafe condition within a trunk of a vehicle,
comprising the steps of:

locating a living organism in the trunk of the vehicle; and

detecting at least one bodily function of the living organism in the trunk.--